



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

MATTER OF S-A-I- CORP

DATE: NOV. 5, 2015

APPEAL OF VERMONT SERVICE CENTER DECISION

PETITION: FORM I-129, PETITION FOR A NONIMMIGRANT WORKER

The Petitioner, an international trade business, seeks to employ the Beneficiary as the president and chief executive officer of its new office and to classify him as an L-1A nonimmigrant intracompany transferee. *See* Immigration and Nationality Act (the Act) § 101(a)(15)(L), 8 U.S.C. § 1101(a)(15)(L). The Director, Vermont Service Center, denied the petition. The matter is now before us on appeal. The appeal will be summarily dismissed.

The Director concluded that the Petitioner did not establish that the Beneficiary has been employed abroad in qualifying managerial or executive capacity or that it would support the Beneficiary in a qualifying managerial or executive capacity after one year.

The Petitioner subsequently filed a timely appeal and indicated on the Form I-290B, Notice of Appeal or Motion, that it would submit a brief and/or additional evidence to our office within 30 days. The Form I-290B instructs the filer at Part 4 to provide a separate sheet of paper with a statement regarding the basis for the appeal. Specifically, the person or entity filing the appeal is instructed to provide a statement that specifically identifies an erroneous conclusion of law or fact in the decision being appealed. The Petitioner did not provide this statement with its Form I-290B and the record reflects that the Petitioner has not submitted a brief or additional evidence in support of its appeal.

The regulations at 8 C.F.R. § 103.3(a)(1)(v) state, in pertinent part: "An officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal."

Upon review, the Petitioner has not identified any erroneous conclusion of law or statement as a basis for the appeal. As noted, the Petitioner's appeal was not accompanied by the required statement of the basis for the appeal, and it has not provided a brief or additional evidence in support of the appeal. The Petitioner's appeal makes no reference or objection to the specific findings set forth in the Director's decision. Therefore, consistent with 8 C.F.R. § 103.3(a)(1)(v), the appeal will be summarily dismissed.

Matter of S-A-I- Corp

In visa petition proceedings, the burden of proving eligibility for the benefit sought remains entirely with the petitioner. Section 291 of the Act, 8 U.S.C. § 1361; *Matter of Otiende*, 26 I&N Dec. 127, 128 (BIA 2013). Here, that burden has not been met.

ORDER: The appeal is summarily dismissed pursuant to 8 C.F.R. § 103.3(a)(1)(v).

Cite as *Matter of S-A-I- Corp*, ID# 14796 (AAO Nov. 5, 2015)